

PATENT
Attorney Docket No: 358072.00100

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Douglas Peery

Serial No: Not Assigned

Filed: September 16, 2003

For: DRYWALL CONSTRUCTION DEVICE

Art Unit: Not Assigned

Examiner: Not Assigned

03940 U.S. PRO
10/663392
09/16/03


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Dear Sir:

I hereby certify that

- two copies of PATENT APPLICATION TRANSMITTAL
- check in amount of \$__ as filing fee
- patent application (9 page(s) of specification; 20 claim(s); 1 page(s) of abstract
- 7 sheet(s) of formal informal drawings
- executed Declaration and Power of Attorney (copy from parent)
- assignment of the invention to __ (copy from parent)
- certified copy of __ patent application No. __ which was filed __ from which priority is claimed in the subject case pursuant to 35 U.S.C. § 119
- Preliminary Amendment
- Assertion of Small Entity Status under 37 CFR 1.27
- Request And Certification Under 35 U.S.C. 122(b)(2)(B)(i) for non-publication
- Information Disclosure Statement, __ references listed enclosed.
- return postcard

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service with sufficient postage under 37 C.F.R. § 1.10 on the date indicated above and are addressed to:

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Date: September 16, 2003

Heather B. Del Bosco

Name of person mailing papers



REED SMITH CROSBY HEAFEEY
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In re application of:

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Dear Sir:

CORRESPONDENCE ADDRESS:

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Transmitted herewith for filing is the patent application identified above.

- 7 sheet(s) of drawings (formal informal) is(are) enclosed.
- 9 page(s) of specification and 1 page(s) of abstract of the invention are enclosed.
- Declaration and Power of Attorney is enclosed will follow.
- Request And Certification Under 35 U.S.C. 122(b)(2)(B)(i) for non-publication is enclosed.
- An associate power of attorney is enclosed will follow.
- An assignment of the invention to Pro Metal designs, Inc. is enclosed will follow.
- Applicant claims small entity status. A letter asserting small entity status is enclosed will follow. See 37 CFR 1.27.
- A certified copy of Patent Application No. filed from which priority is claimed under 35 U.S.C. § 119 is enclosed.
- IDS enclosed (with reference(s)).
- Preliminary Amendment is enclosed.
- Application data sheet is enclosed. See 37 CFR 1.76.
- Return postcard is enclosed.

CALCULATION OF FEES

ITEM	TOTAL NO. OF CLAIMS		NO. OF CLAIMS OVER BASE	LG/SM \$ ENTITY FEE		\$ AMOUNT	\$ FEE
A TOTAL CLAIMS FEE	20	-20	0	LG=\$18 SM=\$9	\$9	0	0
B INDEPENDENT CLAIMS FEE*	2	-3	0	LG=\$84 SM=\$42	\$42	0	0
C SUBTOTAL - ADDITIONAL CLAIMS FEE (ADD FINAL COLUMN IN LINES A + B)						0	0
D MULTIPLE-DEPENDENT CLAIMS FEE				LARGE ENTITY FEE = \$280 SMALL ENTITY FEE = \$140			\$ 0
E BASIC FEE				LARGE ENTITY FEE = \$750 SMALL ENTITY FEE = \$375			\$ 375
F TOTAL FILING FEE (ADD TOTALS FOR LINES C, D, AND E)							\$ 375
G ASSIGNMENT RECORDING FEE						\$ 40	\$ 0

*LIST INDEPENDENT CLAIMS 1 and 11

- Please charge Deposit Account No. 50-2567, referencing docket number 358072.00100, the amount of \$ 375.00. A copy of this letter is enclosed.
- A check in the amount of \$ to cover the filing fee is enclosed.
- A check in the amount of \$ 40.00 to cover Assignment Recordation fee is enclosed.
- The Commissioner is hereby authorized to charge any deficiency for the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-2567, referencing docket number 358072.00100.
- A copy of this sheet is enclosed.**
- Any additional filing fees required under 37 C.F.R. 1.16
- Any patent application processing fees under 37 C.F.R. 1.17

Respectfully submitted,
REED SMITH CROSBY HEAFAY

By:


Stefan J. Kirchanski
Registration No. 36,568
Attorney for Applicant(s)

Date: September 16, 2003

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September 16, 2003

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P.O. Box 1450
Alexandria, VA 22313

Re: ASsertion OF SMALL ENTITY STATUS
New U.S. Patent Application
Inventor(s) : Douglas Peery
DRYWALL CONSTRUCTION DEVICE
Filed : September 16, 2003
Attorney Docket No. : 358072.00100

Dear Sir or Madam:

The undersigned attorney hereby asserts that the Patent Application entitled "DRYWALL CONSTRUCTION DEVICE" by Douglas Peery filed on September 16, 2003 is entitled to Small Entity Status. The required inquiry to establish Small Entity (\S 1.27(a)) status has been made.

Very truly yours,



Stefan J. Kirchanski

SJK/hdb

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**REQUEST AND CERTIFICATION
UNDER
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor	Douglas Peery
Title	DRYWALL CONSTRUCTION DEVICE
Atty Docket Number	<u>358072.00100</u>

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

September 16, 2003

Date



Signature

Stefan J. Kirchanski, Reg. No.: 36,568

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.